CURRENT DECISIONS

ALIEN ENEMIES—RIGHT TO SUE—AUSTRIAN SUING AS NEXT FRIEND FOR INFANT SON.—A native of Austria, residing in North Carolina, brought suit as next friend for his infant son to recover damages for personal injuries sustained by the latter. The United States declared war against Austria-Hungary after the verdict in the suit was returned but before the judgment was entered. Over the defendant's objection judgment was entered for the plaintiff. *Held,* that the suit was maintainable. *Krachanake v. Acme Mfg. Co.* (1918, N. C.) 95 S. E. 851.

The case, which is of first impression in North Carolina, correctly applies the general rule that the right of an alien enemy to sue in our courts turns upon his residence, not his nationality. The opinion contains an interesting review of the authorities, and refers to Mr. Picciotto's article in (1917) 27 YALE LAW JOURNAL, 167.

ALIENS—NATURALIZATION—TEMPORARY NATURALIZATION FOR SERVICE IN ARMY REFUSED.—The Act of May 9, 1918 (Public, No. 144, 65th Congr.) authorized the naturalization of aliens who enter the service of the Army or Navy of the United States. The examination of certain alien soldiers, applicants for naturalization under this statute, disclosed their intention not to remain in the United States after discharge from the service, but to return to their native country to remain there permanently. *Held,* that the applicants were not entitled to naturalization. *In re Naturalization of Aliens in Service of Army or Navy* (1918, E. D. Mo.) 250 Fed. 316.

The decision seems entirely correct. Naturalization obtained without intent to reside permanently in the United States has always been regarded by the State Department as fraudulent. This view is confirmed by section 15 of the Act of June 29, 1906 (34 Stat. L. 601) which construes the naturalization as having been acquired in bad faith if the citizen establishes his permanent residence abroad within five years of his admission to citizenship, and by section 2 of the Act of March 2, 1907 (34 Stat. L. 1228) which provides for a forfeiture of citizenship if the naturalized citizen shall have resided two years in his native country. A person cannot seek temporary naturalization in the United States. See *Luria v. United States* (1913) 231 U. S. 9, 34 Sup. Ct. 10.

ARMY AND NAVY—INDUCTION UNDER DRAFT ACT—COMPULSORY SURGICAL OPERATION ON DRAFTEE.—A registrant was certified into military service, and, though suffering from hernia, the local board and the examining army officers did not reject him. Instead, they ordered him to undergo a surgical operation. He refused to submit, and in *habeas corpus* proceedings claimed his release on the ground that, as he could not be compelled to submit to the operation, he was physically disabled and entitled to discharge from further military duty. *Held,* that the registrant was not entitled to discharge and that the writ must be dismissed. *De Genaro v. Johnson, Brigadier-General* (1918 E. D. N. Y.) 249 Fed. 504.

By the Selective Draft Act and sections 1116 and 1342 of the U. S. Revised Statutes the decision of the examining board, exemption or military, on a question of fact is final and cannot be reviewed on *habeas corpus. In re Traina* (1918, E. D. N. Y.) 248 Fed. 1004. After his induction into service the registrant is subject to military law and cannot obtain his discharge from the army through